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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4298 OF 2006

Mustakim Jaffer Sahibole .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Satish Kotian for applicant

Mr.M.S.Mhambre, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 11th December 2006

P.C.

. Applicant is arrested in connection with C.R.No.318 of 2006 registered by Kurla Police Station. Applicant is arrested on 4th October

2006 for offences allegedly punishable under section 306, 498 and 498A read with 34 I.P.C. Applicant is remanded to magisterial custody.

2. During the course of investigations, the mother in law and the sister in law of the deceased have been enlarged on bail. Applicant is the brother in law. The deceased, it is alleged, poured kerosene on herself and sustained 90% burns. However, the prosecution is now investigating the matter and the instructions, according to A.P.P. are that the husband has poured kerosene and thereby committed murder of his wife. Learned A.P.P. could not dispute that the sister in law and mother in law are released on bail. However, the role allegedly played by the applicant in the whole episode is that he joined others in demanding share from the salary of deceased, who was working at a call centre. The husband of the deceased has been arrested and he is in custody. Considering the limited role attributed to the present applicant and on

grounds of parity, he deserves to be enlarged on bail. Hence, following order:-

i) The applicant arrested in connection with C.R.No.318/06 registered with Kurla Police Station shall be enlarged on bail in the sum of Rs.10,000 with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant shall not enter Rahat complex, Kurla. Applicant shall report to Kurla Police Station once a week on every Friday between 11.00 a.m. and 1.00 p.m. till the charge sheet is filed. Applicant shall not leave Mumbai without prior permission of the trial court. Applicant shall surrender his passport, if any, to the I.O.

iii) The order of bail will be given

effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of

bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)